A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ATTORNEY GENERAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to propose an 2 amendment to article V of the Constitution of the State of 3 Hawaii to provide that the attorney general be elected by the 4 vote of the general public rather than appointed by the 5 governor. 6 SECTION 2. Article V of the Constitution of the State of 7 Hawaii is amended by adding a new section to be appropriately 8 designated and to read as follows: 9 "ATTORNEY GENERAL 10 Section . There shall be an attorney general who shall be 11 elected from among nonpartisan candidates by the qualified 12 voters of this State at a general election. The person 13 receiving the highest number of votes shall be the attorney 14 general. In the case of a tie vote, the selection of the 15 attorney general shall be determined as provided by law. 16 The term of office of the attorney general shall begin and

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end on the same dates as the governor, and no person shall be
 elected to the office of attorney general for more than two
 consecutive full terms.

No person shall be eligible for the office of attorney
general unless the person is a qualified voter, has attained the
age of thirty years, has been a licensed attorney in this State
for at least five years and has been a resident of this State
for five years immediately preceding the person's election.

9 The attorney general shall not hold any other office or
10 employment for profit under the State or the United States
11 during the attorney general's term of office.

12 The powers, duties and compensation of the attorney general13 shall be as provided by law.

When the office of attorney general is vacant, or in the event of the absence of the attorney general from the State or the attorney general's inability to exercise and discharge the powers and duties of the attorney general, such powers and duties shall devolve upon the deputy attorneys general in order of succession as may be provided by law.

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| 1 | In the event of impeachment of the attorney general, the |
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| 2 | attorney general shall not exercise the powers of the attorney |
| 3 | general until acquitted." |
| 4 | SECTION 3. Article III, section 19, of the Constitution of |
| 5 | the State of Hawaii is amended to read as follows: |
| 6 | "IMPEACHMENT |
| 7 | Section 19. The governor [and], lieutenant governor, the |
| 8 | attorney general and any appointive officer for whose removal |
| 9 | the consent of the senate is required[$_{	au}$] may be removed from |
| 10 | office upon conviction of impeachment for such causes as may be |
| 11 | provided by law. |
| 12 | The house of representatives shall have the sole power of |
| 13 | impeachment of the governor [and], lieutenant governor and |
| 14 | attorney general, and the senate the sole power to try such |
| 15 | impeachments, and no such officer shall be convicted without the |
| 16 | concurrence of two-thirds of the members of the senate. When |
| 17 | sitting for that purpose, the members of the senate shall be on |
| 18 | oath or affirmation and the chief justice shall preside. Subject |
| 19 | to the provisions of this paragraph, the legislature may provide |
| 20 | for the manner and procedure of removal by impeachment of such |
| 21 | officers. |

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1 The legislature shall by law provide for the manner and 2 procedure of removal by impeachment of the appointive officers. 3 Judgments in cases of impeachment shall not extend beyond 4 removal from office and disqualification to hold and enjoy any 5 office of honor, trust or profit under the State; but the person 6 convicted may nevertheless be liable and subject to indictment, 7 trial, judgment and punishment as provided by law." 8 SECTION 4. Article V, section 6, of the Constitution of the 9 State of Hawaii is amended to read as follows: 10 "EXECUTIVE AND ADMINISTRATIVE OFFICES AND DEPARTMENTS 11 Section 6. All executive and administrative offices, 12 departments and instrumentalities of the state government and 13 their respective powers and duties shall be allocated by law 14 among and within not more than twenty principal departments in 15 such a manner as to group the same according to common purposes 16 and related functions. Temporary commissions or agencies for 17 special purposes may be established by law and need not be 18 allocated within a principal department. 19 Each principal department shall be under the supervision of 20 the governor and, unless otherwise provided in this constitution

or by law, shall be headed by a single executive. Such single

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1 executive shall be nominated and, by and with the advice and 2 consent of the senate, appointed by the governor. That person 3 shall hold office for a term to expire at the end of the term 4 for which the governor was elected, unless sooner removed by the 5 governor[; except that the removal of the chief legal officer of 6 the State shall be subject to the advice and consent of the 7 senate].

8 Except as otherwise provided in this constitution, whenever 9 a board, commission or other body shall be the head of a 10 principal department of the state government, the members 11 thereof shall be nominated and, by and with the advice and 12 consent of the senate, appointed by the governor. The term of 13 office and removal of such members shall be as provided by law. 14 Such board, commission or other body may appoint a principal 15 executive officer who, when authorized by law, may be an ex 16 officio, voting member thereof, and who may be removed by a 17 majority vote of the members appointed by the governor.

18 The governor shall nominate and, by and with the advice and 19 consent of the senate, appoint all officers for whose election 20 or appointment provision is not otherwise provided for by this 21 constitution or by law. If the manner or removal of an officer

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is not prescribed in this constitution, removal shall be as
 provided by law.

3 When the senate is not in session and a vacancy occurs in 4 any office, appointment to which requires the confirmation of 5 the senate, the governor may fill the office by granting a 6 commission which shall expire, unless such appointment is 7 confirmed, at the end of the next session of the senate. The 8 person so appointed shall not be eligible for another interim 9 appointment to such office if the appointment failed to be 10 confirmed by the senate.

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the senate shall be eligible to an interim appointment thereafter to such office.

Every officer appointed under the provisions of this section shall be a citizen of the United States and shall have been a resident of this State for at least one year immediately preceding that person's appointment, except that this residency requirement shall not apply to the president of the University of Hawaii."

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1 SECTION 5. The question to be printed on the ballot shall 2 be as follows: 3 "Shall the attorney general of the State of Hawaii be 4 elected for a term of four years from among nonpartisan 5 candidates at a general election, instead of being 6 appointed by the governor?" 7 SECTION 6. Constitutional material to be repealed is 8 bracketed and stricken. New constitutional material is 9 underscored. SECTION 7. This amendment shall take effect upon compliance 10 with article XVII, section 3, of the Constitution of the State 11 12 of Hawaii. INTRODUCED BY:

NTRODUCED BY: JAN 2 5 2023

Report Title:

Constitutional Amendment; Election of Attorney General

Description:

Proposes a new section to article V of the Hawaii constitution to provide for the election of the attorney general. Amends article III, section 19, of the Hawaii constitution to allow for impeachment of the attorney general. Makes conforming amendment to article V, section 6, of the Hawaii Constitution relating to removal of the attorney general with the advice and consent of the senate.

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